

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554

In the Matter of)	
)	
Jurisdictional Separations and)	
Referral to the Federal-State)	CC Docket No. 80-286
Joint Board)	
)	
Accounting and Separations)	OMB Control No. 3060-XXXX
Information from Incumbent Local)	
Exchange Carriers that Receive)	
Interstate Access Revenues on a)	
Cost Basis)	

COMMENTS OF THE RURAL ILECS

The rural incumbent local exchange carriers listed in Attachment A (collectively, the Rural ILECs) provide these Comments in response to the Commission's Notice about a proposed data request concerning separations.¹ The Commission has not provided any significant details concerning the proposed data request. The Rural ILECs therefore request the Commission to put the content of the data request out for comment before deciding whether to seek approval from the Office of Management and Budget (OMB). The Rural ILECs additionally request the Commission to extend the separations freeze. These issues are discussed further below.

¹ Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested, 70 Fed. Reg. 11,971 (Mar. 10, 2005) [hereinafter Notice].

THE DATA REQUEST SHOULD BE NOT BE MANDATORY FOR ALL ILECS

The Commission requested comment on four issues concerning the proposed collection of information.² The Rural ILECs respond to each of the four issues, in turn, below.

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility

The Commission has not provided details about the specific information that will be collected. Thus, it is impossible to say whether the information is necessary and whether it will have practical utility.

(b) The accuracy of the Commission's burden estimate

Because the Commission has not indicated what specific information will be collected, it is impossible to say whether the Commission's burden estimate is accurate. In particular, the Commission estimates that there will be 900 respondents but does not say what entities will be required to respond to the data request, or why responses are needed from 900 separate entities. So it is not possible to say whether the 900-respondent estimate is accurate or appropriate. The Commission also estimates that the burden will be 20 hours per response, but without details

² Id. at 11,972.

about the information to be collected, it is not possible to say whether the 20-hour estimate is accurate.

(c) Ways to enhance the quality, utility, and clarity of the information collected

Because the Commission has not indicated what specific information will be collected, it is impossible to suggest ways to enhance the quality, utility and clarity of the information.

(d) Ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology

Because the Commission has not indicated what specific information will be collected, it is difficult to suggest ways to minimize the burden.

Nevertheless, one could guess that the Commission will ask incumbent local exchange carriers (ILECs) about their traffic data for some specific period of time. Such a request poses several problems. First, average schedule companies -- which comprise about 500 of the small ILECs³ and include a few of the Rural ILECs -- would not have traffic data available. Second, many of the rate-of-return ILECs that are cost companies -- including many of the Rural ILECs -- have not been collecting

³ Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2005, May 2, 2005, at 5.

traffic data during the separations freeze.⁴ Third, even those ILECS that have been collecting traffic data may not have been collecting it at the level of detail that the Commission may request. For example, if the data request were to ask about Internet-bound traffic vs. other traffic, that information may not be included in the existing traffic data if the data were collected for other reasons. Finally, if the Commission were to require ILECs to collect new traffic data solely to be able to respond to the data request, the burden on the ILECs could be enormous, and the Commission would need to provide sufficient time for the ILECS to obtain and analyze a useful sample. The Rural ILECs therefore suggest that, if traffic data is requested, it should be obtained on a voluntary basis from ILECs that have been collecting the data at the necessary level of detail and that adequate time be allotted to analyze the data. No matter what, there is no reason to request all ILECs to provide traffic data. Data from a smaller subset of ILECs should be sufficient.

THE DATA REQUEST SHOULD BE PUT OUT FOR COMMENT

The Paperwork Reduction Act requires the Commission to provide notice of the proposed information collection and to seek

⁴ See, e.g., Jurisdictional Separations and Referral to the Federal-State Joint Board, CC Docket No. 80-286, Report and Order, 16 FCC Rcd. 11,382 para. 45 (2001) (stating that rate-of-return carriers need not conduct separations studies during the freeze) [hereinafter Separations Freeze Order].

comment on the four issues listed above.⁵ But, as shown above, the Commission provided very little detail concerning the proposed information collection. Indeed, the level of detail provided in the Notice is insufficient for interested parties to comment on the four issues. Thus, the Commission has not provided adequate notice of the information collection.

The Rural ILECs assume that the Commission plans to review these and other comments on the proposed data request and then submit the data request to the OMB for approval. Because the notice has been inadequate, the Rural ILECs request the Commission to first put the content of the data request itself out for comment, and review those comments. Then, if based on those comments, the Commission chooses to continue to pursue the information collection, the Commission could submit the data request to the OMB for approval. This way, affected parties will have the opportunity to provide more meaningful comment on the necessity and utility of the data request, the Commission's burden estimates, and ways that the Commission could minimize the burden on the respondents.

THE SEPARATIONS FREEZE SHOULD BE EXTENDED

Regardless of whether and how a data request is implemented, the Rural ILECs request the Commission to act to extend the

⁵ 44 U.S.C. § 3506(c)(2).

separations freeze, which is now scheduled to end on June 30, 2006. The freeze was adopted to give the Commission time to implement comprehensive separations reform. The Commission stated that a decision on whether to extend the freeze would be based on "whether, and to what extent, comprehensive reform of separations has been undertaken."⁶ But no comprehensive separations reform has taken place. So the Commission must extend the freeze. Moreover, the industry is currently focused on other issues, including intercarrier compensation and universal service, that could greatly impact the separations process as we know it today. By extending the freeze, the Commission would promote regulatory certainty and minimize the burdens on ILECs while such other issues are being addressed.


CONCLUSION

In sum, the Rural ILECs request the Commission to put the content of the data request out for comment. However, if the Commission were to go ahead with its planned data request, the Rural ILECs suggest that the data request be voluntary, in recognition of the fact that many ILECs likely do not have the data that the Commission may request. Furthermore, for the

⁶ Separations Freeze Order para. 29.

reasons given above, the Commission should act now to extend the separations freeze.

Respectfully submitted,
RURAL ILECS LISTED IN ATTACHMENT A

By 
Susan J. Bahr
Their Attorney

Law Offices of Susan Bahr, PC
PO BOX 86089
Montgomery Village, MD 20886-6089
(301) 926-4930

May 9, 2005

ATTACHMENT A
RURAL ILECS

Big Sandy Telecom, Inc.
Bluestem Telephone Company
C-R Telephone Company
Chautauqua and Erie Telephone Corp.
China Telephone Company
Chouteau Telephone Company
Columbine Telecom Company (f/k/a Columbine Acquisition Corp.)
Community Service Telephone Co.
Ellensburg Telephone Company
Fremont Telecom Co.
Great Plains Communications, Inc.
GTC Communications, Inc. (f/k/a TPG Communications, Inc.)
K & M Telephone Company, Inc.
Maine Telephone Company
Marianna & Scenery Hill Telephone Company
Northeast Nebraska Telephone Company
Northland Telephone Company of Maine, Inc.
Odin Telephone Exchange, Inc.
Peoples Mutual Telephone Company
Sidney Telephone Company
Standish Telephone Company
STE/NE Acquisition Corp. (d/b/a/ Northland Telephone Company of Vermont)
Sunflower Telephone Company, Inc.
Taconic Telephone Corp.
The El Paso Telephone Company
The Columbus Grove Telephone Company
The Orwell Telephone Company
Waitsfield-Fayston Telephone Company, Inc.
Yates City Telephone Company
YCOM Networks, Inc.

CERTIFICATE OF SERVICE

I, Susan Bahr, Law Offices of Susan Bahr, PC, hereby certify that on May 9, 2005, I have sent a copy of these Comments via email to:

Judith Herman, FCC
Judith-B.Herman@fcc.gov

A handwritten signature in black ink that reads "Susan J Bahr". The signature is written in a cursive style with a horizontal line underneath it.

Susan J. Bahr